

04772 U.S. PTO
112403

Attorney Docket No. EIS-5799 DIV1 (1417G P 977)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
James Martucci, Tuan Bui, James Hitchcock,
Aleandro DiGianfilippo, Richard Pierce

Mailed: November 24, 2003

For: Medication Delivery System

) Prior Application:
)
) Application No. 10/043,891
) Filed: January 11, 2002
) Examiner: Roz Ghafoorian
) Art Unit: 3763
)
) Examiner: Not Assigned
) Art Unit: Not Assigned

22387 U.S. PTO
10/720765
112403

DIVISIONAL PATENT APPLICATION
TRANSMITTAL FILING UNDER 37 C.F.R. §1.53(b)

Mail Stop - Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application of pending prior Application No. 10/043,891, under 37 C.F.R. § 1.53(b). The parent application was filed on January 11, 2002, by Applicant Baxter International Inc., and is similarly entitled "Medication Delivery System."

Benefit of Prior U.S. Application

The attached divisional application being transmitted claims the benefit of a prior U.S. application, as indicated below.

Papers Enclosed

In accordance with 37 C.F.R. § 1.63(d), the specification filed herewith contains no new matter. Accordingly, a copy of the executed Declaration and Power of Attorney from the parent application (U.S. Application No.10/043,891) is submitted herewith.

The papers attached are as follows:

- 17 pages of Specification.
- 3 pages of Claims.
- 1 page of Abstract.

32 sheets of Formal Drawings containing Figures 1-39.

Additional Papers Enclosed

A copy of the original Assignment filed in the prior U.S. Application is also submitted herewith.

Incorporation by Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

Declaration or oath (including power of attorney)

As previously stated, a copy of the executed Declaration and Power of Attorney filed in the prior U.S. application (Application No. 10/043,891) is submitted herewith, in accordance with 37 C.F.R. §1.63(d).

Inventorship Statement

The inventorship for all the claims in this application is the same as that for the parent application.

Fee Calculation (37 C.F.R. § 1.16)

The filing fee has been calculated as shown below:

			Small Entity		or	Other Than A Small Entity	
For:	No. Filed	No. Extra	Rate	Fee		Rate	Fee
Basic Fee				\$385	or		\$770
Total Claims	6 - 20 =	0	x 9 =	\$	or	x 18 =	\$ 0
Indep. Claims	3 - 3 =	0	x43 =	\$	or	x 86 =	\$ 0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			x145 =	\$0	or	x290=	\$0
			Total	\$	or	Total	\$770

X Check No. 19019 in the amount of \$770.00 is attached.

The Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 23-0280 for the following fees associated with this communication and during the entire pendency of the Application (a duplicate copy of this sheet is attached).

X Any additional filing fees under 37 C.F.R. § 1.16(a), (f) and (g).

- X Any filing fees under 37 C.F.R. § 1.16(b), (c) and (d) for presentation of extra claims.
X Any patent application processing fees under 37 C.F.R. § 1.17.

Relate Back--35 U.S.C. 120

As required under 35 U.S.C. 120, the Specification of the attached application includes the following specific reference to the earlier filed parent application:

"This Application is a divisional of copending Application No. 10/043,891 filed January 11, 2002, which Application is incorporated herein by reference and made a part hereof, and upon which a claim of priority is based."

Please address all future communications to:

**Francis C.M. Kowalik, Esq.
Corporate Counsel, Law Department
BAXTER INTERNATIONAL INC.
One Baxter Parkway
DF3-2E
Deerfield, IL 60015
847.948.3041**

Respectfully submitted,

Date: November 24, 2003

By: 

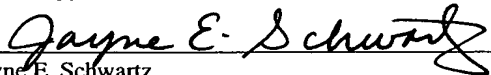
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311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
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CERTIFICATION UNDER 37 C.F.R. § 1.10

Express Mail Label No. EL 999600325 US

Date of Deposit: November 24, 2003

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450.

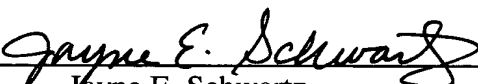

Jayne E. Schwartz

In re U. S. Divisional Patent Application

Inventors: James Martucci, Tuan Bui, James Hitchcock, Aleandro
DiGianfilippo, Richard Pierce
Application No.: Unassigned
Filing Date: November 24, 2003
For: Medication Delivery System
Attorney Docket No. EIS-5799 DIV1 (1417GP977)

- Enclosures:
1. FILING FEE \$770 (Check No. 19019)
 2. DIVISIONAL PATENT APPLICATION TRANSMITTAL
FILING UNDER 37 C.F.R. §1.53(b) (in duplicate)
 3. 21-PAGES OF APPLICATION (INCLUDING 17 PAGE
SPECIFICATION, 6 TOTAL CLAIMS/3 INDEPENDENT (3
PAGES) AND 1 PAGE ABSTRACT)
 4. 32 SHEETS OF FORMAL DRAWINGS (FIGS. 1-39)
 5. COPY OF DECLARATION AND POWER OF ATTORNEY
FILED IN PARENT APPLICATION
 6. COPY OF ASSIGNMENT RECORDED IN PARENT
APPLICATION
 7. RETURN POSTCARD

I HEREBY CERTIFY THAT THIS PAPER AND THE ABOVE DOCUMENTS ARE BEING DEPOSITED
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1450, ALEXANDRIA, VA 22313-1450, ON NOVEMBER 24, 2003, UNDER EXPRESS MAIL NO. EL
999600325 US.


Jayne E. Schwartz

PLEASE ADDRESS ALL FUTURE COMMUNICATIONS TO:

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